IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1170 of 2003 (S/S)

1. Bhawani Ballabh s/o Sri G.N. Nautiyal, Management Trainee,Dugdh Utpadan Sanhkari Sangh, Dehradun

.....Petitioners.

Versus

1. State of Uttaranchal
2. managing Director Uttaranchal Sahkari Dairy
3. Federation Ltd; Haldwani, Nainital .....Respondents.

Mr. U.K. Uniyal Sr. Advocate, Advocate for the petitioner.
Learned Standing Counsel for the State.

Dated: 7th March 2006

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to consider the petitioner for the appointment as Manager Grade IV.

Briefly stated, according to the petitioner he was appointed as Management Trainee for six months as per order dated 14.12.2001 and he was attached to the Production Unit at District Dehradun. The petitioner has preferred an application on 21.03.2002 for the post of Manager Factory as according to the petitioner the same was going to be vacant on 31.03.2002. On 3.4.2002 the respondent no. 2 invited option from the officers

working in the pay scale 8000-13500 for the adjustment on the said post. The petitioner also applied for the same and his application was duly recommended by the Chief Manager. After completion of six months training a performance report of the petitioner was asked on 20.05.2002 which was submitted on 25.06.2002 and it was recommended by the Factory Manager that keeping in view the competence and performance of the petitioner he is fully capable to work independently. The petitioner was further granted extension for six months vide order dated 5.8.2002 but the amount granted to the petitioner as training allowance was reduced to Rs.3000/- per month from Rs.8000/- per month. The training period of the petitioner was further extended on 13.2.2003.

The grievance of the petitioner is that as per circular dated 3rd November 1993 the Management Trainee is entitled for the appointment as Manager Grade IV after completion of the training period of Management Trainee if he is otherwise suitable but the petitioner is being deprived from his legitimate claim.

At the time of admission of writ petition, this Court has passed the following interim order on 30.9.2003:

"In the mean time, the representation of the petitioner dated 16.8.2002 contained in annexure no. 6 to the writ petition, shall be decided. The petitioner shall be paid salary as he was being paid earlier at the time of his initial engagement and he shall be permitted to work and his services shall not be terminated."

The writ petition is, therefore, decided in terms of interim order dated 30.9.2003. The respondents are directed to decide the representation of the petitioner-dated 16.8.2002 within

three months after obtaining the certified copy of this order. Meanwhile the petitioner shall be permitted to work if he is working on the said post.

Accordingly, writ petition is disposed of.

No order as to costs.

Dated: 21.03.2006 **Rajesh Tandon, J.**

*Dhyani